



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 11143 of 2026

Jose @ Josewa @ Louis Josewa
S/o Franchis,
No.60, Erimedu, Ammankulam,
Coimbatore

Petitioner

Vs

The State Rep by
Inspector of Police,
B-7, Ramanathapuram Police Station,
Coimbatore.
(Crime No.799/2013)

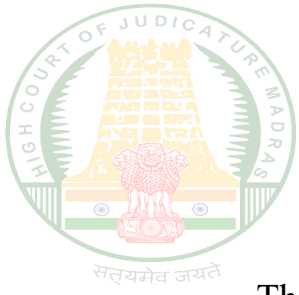
Respondent

PRAYER

This criminal original petition is preferred under section 528 of BNSS seeking to set aside the order dated 22.01.2026 passed by the Principal District and Sessions Judge, Coimbatore in CrI.M.P.No.01 of 2026 in C.A.No.44 of 2026 and consequently enlarge the petitioner on bail and thus render justice.

For Petitioner: Mr.Tamizhanban V.

For Respondent: Mr.R.Rajasekaran,
Counsel for Government of
Tamil Nadu (Criminal side)

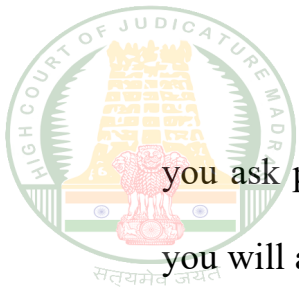


ORDER

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The petitioner / accused was convicted by the trial court in S.C.No.211 of 2018 for the offence under section 307 of IPC and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.1000/-. Aggrieved over the same, the petitioner has filed an appeal in C.A.No.44 of 2026 on the file of the I Additional District and Sessions Judge, Principal District and Sessions Judge (i/c), Coimbatore and also filed a petition for suspension of sentence in Crl.M.P.No.1 of 2026. The lower appellate court vide order dated 22.01.2026 admitted the appeal but dismissed the petition seeking for suspension of sentence. Hence, the present criminal original petition has been preferred by the petitioner herein.

2.The case of the prosecution is that on 30.07.2013 at about 11.00 a.m., the Special Sub Inspector of Police of the respondent police after receiving an information from the Government Medical College Hospital, Coimbatore went to the hospital and found that the injured Rajkumar who was attacked by the petitioner was in unconscious state. One Praveen, a friend of the said Rajkumar, had appeared before the respondent police and gave a complaint, on the basis of which a complaint has been registered. The complainant has stated that when he and his friend Rajkumar were proceeding to the college, the petitioner waylaid the said Rajkumar, threatened and warned him with knife by saying that ‘did



you ask puppy dog with me, I will not let you die and only if you were alive, you will ask for puppy dog'. So saying, the petitioner accused assaulted him and

caused injury to said Rajkumar. After registration of the FIR, the investigation was proceeded and concluded. The charge sheet was filed. During trial P.Ws 1 to 10 were examined and on conclusion of the trial, the trial court convicted the petitioner as stated above.

3.The learned counsel for the petitioner submitted that in the present case, the petitioner was in prison from 01.08.2013 to 18.09.2013 and after his conviction, till date, he is in prison. He has further submitted that as regards the previous cases which are projected against the petitioner, in a POCSO case, he was convicted and on appeal, the petitioner was granted bail on 13.11.2025. With regard to all other cases, he was acquitted in three cases and other cases are pending trial. The petitioner is in incarceration for more than six and half months in the instant case.

4.The learned Government Advocate (Criminal Side) has opposed the captioned petition by contending that on a complaint of defacto complainant Mr.Praveen, a case has been registered and the injured Rajkumar was taken for treatment to the Government Medical College Hospital and his statement was also recorded. The injuries sustained by the victim was also confirmed by P.W.7 Doctor. The defacto complainant - P.W.1, the victim – P.W.2 and an eye witness – P.W.3 all have confirmed the case of the prosecution and the assault



committed by the petitioner. The petitioner has got history of 13 cases, the details of which are as follows:

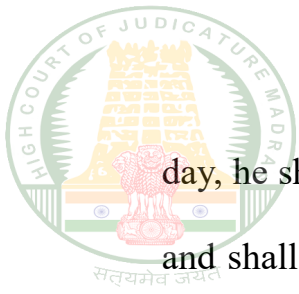
S.No.	Police Station & Crime No.	Stage of the case
1.	D1 PS Cr.No.461 of 2019, U/s.8(c) r/w 20(b)(ii)(B) NDPS Act	Not taken on file
2.	D1 PS Cr.No.455/2019 U/s Girl missing @ 366, 376, DA of IPC & 5(l) r/w 6 of POCSO Act 2012, Section 9 of Prohibition of Child Marriage Act, 2006 and r/w 109 of IPC @ 366(A) of IPC and Section 16 r/w 17 of POCSO Act	Convicted
3.	D1 PS Cr.No.174/2019 U/s 8(c) r/w 20(b)(ii)B of NDPS Act	Acquittal
4.	D1 PS Cr.No.127/19 U/s 8(c) r/w 20(b)(ii)B NDPS Act	Pending trial
5.	D1 PS Cr.No.543 of 2018 U/s 307 of IPC	Pending trial
6.	D1 PS Cr.No.875/17, U/s 302, 201 of IPC	Pending trial
7.	D1 PS Cr.No.674/2015, U/s 354, 506(ii) of IPC	Acquittal
8.	D1 PS, Cr.No.276/2015, U/s 392, 397, 506(ii) IPC	Pending trial
9.	D1 PS Cr.No.122 of 2015 U/s 147, 148, 341, 324, 506(ii) of IPC	Acquittal
10.	D1 PS, Cr.No.85/2015, U/s 294(b), 324, 506(i) of IPC @ 147, 148, 294(b). 324, 506(ii) IPC	Pending trial
11.	D1 PS Cr.No.167/2015, U/s 392 of IPC	Pending trial
12.	D1 PS Cr.No.356 of 2022, U/s. 294(b), 323, 307, 506(ii) of IPC and 4 of TNPHW Act	Pending trial
13.	D1 PS Cr.No.427/2022, U/s. 392 r/w 397, 506(ii) of IPC	Pending trial



5. This court heard the submissions made by the both sides. From the submissions made and from the materials available, it is seen that as against the cases pending against the petitioner, the petitioner has been convicted in respect of one case and he was let out on bail on appeal. In respect of other cases, in three cases, he was acquitted and in respect of other cases, they are pending trial. It is also seen that the petitioner is in incarceration for more than six and half months in the instant case. From the evidence of P.W.7 Doctor, it is clear that the injury sustained by the victim is lacerated injury and the injury is simple in nature which is recorded in paragraph 8 of the trial court judgment.

6. In the light of the above, this Court is inclined to grant suspension of sentence till the disposal of C.A.No.44 of 2026 on the file of the lower appellate Court. Accordingly, the substantive sentence of imprisonment imposed on the petitioner by the trial Court in S.C.No.211 of 2018 alone is suspended till the disposal of C.A.No.44 of 2026 on the file of the lower appellate Court and the petitioner is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties, each for a likesum to the satisfaction of the lower appellate Court.

7. Further, the petitioner shall appear before the lower appellate Court on all hearing dates without fail till the disposal of C.A.No.44 of 2026. If the petitioner is not able to appear before the lower appellate Court on any hearing



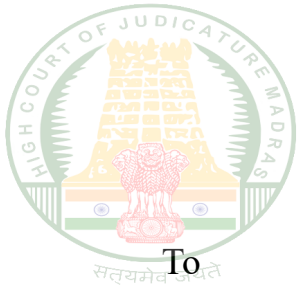
day, he shall make arrangement to file an application under Section 317 Cr.P.C.,
and shall appear on any other day in lieu of the date of his absence as directed
by the lower appellate Court.

8.In the result, this Criminal Original Petition is allowed and the
impugned order dated 22.01.2026 in CrI.M.P.No.1 of 2026 in C.A.No.44 of
2026 passed by the learned I Additional District and Sessions Judge, Principal
District and Sessions Judge (i/c), Coimbatore is set aside. No costs.

04-06-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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Note to office : Issue order copy today (04.06.2026).



To

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1. I Additional District and Sessions
Judge, Principal District and Sessions
Judge (i/c), Coimbatore.

2. Inspector of Police,
B-7, Ramanathapuram Police Station,
Coimbatore
Crime No.799/2013.

3. The Government Advocate
(Criminal side),
High Court, Madras

4. The Superintendent,
Central Prison, Coimbatore.



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M.NIRMAL KUMAR J.

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